



**KERALA LEGISLATURE**

**COMMITTEE OF PRIVILEGES**

**(Internal Working Rules)**

**SECRETARIAT OF THE KERALA LEGISLATURE**

**TRIVANDRUM**

**1987**

**KERALA LEGISLATURE**

**COMMITTEE OF PRIVILEGES**

**(Internal Working Rules)**

**SECRETARIAT OF THE KERALA LEGISLATURE  
TRIVANDRUM**

**1987**

## PREFACE

In order to set down proper guidelines for the systematic and smooth day-to-day functioning of the Committee, the Committee of Privileges, at its meeting held on November 12, 1986, decided to frame rules for its internal working. The draft rules were considered and approved by the Committee at its meeting held on January 27, 1987. Hon'ble Speaker approved the rules on February 12, 1987. Extracts from the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly relating to the composition, scope and functions of the Committee are appended.

Trivandrum,  
February 24, 1987.

K. P. PADMANABHAN,  
*Secretary.*

## KERALA LEGISLATIVE ASSEMBLY

### INTERNAL WORKING RULES OF THE COMMITTEE OF PRIVILEGES

(The following rules are supplemental to the provisions contained in the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.)

1. These Rules may be called the "Internal Working Rules of the Committee of Privileges, 1987" and they shall come into effect on the date on which approval of the Speaker is given to them. **Short Title.**

2. In these Rules, unless the context otherwise requires:— **Definitions.**

- (a) "Committee" means the Committee of Privileges nominated by the Speaker under Rule 249 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly;
- (b) "Chairman" means the Chairman of the Committee;
- (c) "Member" means a Member of the Committee;
- (d) "Rules" means the Internal Working Rules of the Committee of Privileges;
- (e) "Secretariat" means the Secretariat of the Kerala Legislature;
- (f) Words and expressions used but not defined in these rules shall, unless the context otherwise requires, have the same meaning as is assigned to them in the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

**Examination of  
question of  
privilege  
referred to  
Committee:**

3. When a question of privilege is referred to the Committee by the House or by the Speaker, a memorandum on the subject shall be prepared by the Secretariat for the consideration of the Committee. The memorandum shall state briefly the point of privilege involved, the facts of the case, and the practice and precedents relating to the question concerned.

**Notice of sitting  
and circulation  
of agenda  
papers.**

4. The date, time and place of a sitting of the Committee shall be fixed by the Chairman as early as possible and notice thereof along with the agenda and other papers and documents, if any, shall be circulated by the Secretariat to the Members of the Committee.

**Papers  
circulated to  
Committee to  
be treated as  
confidential.**

5. The papers and other documents circulated to the members of the Committee shall be treated as confidential.

**Members not  
to raise in the  
House matters  
under  
[examination.**

6. Members of the Committee shall not ask any question or raise any point in the House on any matter under consideration of the Committee until the report of the Committee on the matter is presented to the House.

**Restrictions on  
members,  
participation in  
meetings.**

7. If any member of the Committee is himself the complainant, witness or the person complained against, in any matter of breach of privilege, he shall not participate in the discussion concerning that particular matter, unless he is called by the Committee to be present.

**Appearance of  
witnesses and  
complainants.**

8. If the Committee considers that further enquiry is necessary, the person making the complaint, the person complained against and the witnesses, if any, shall be called to appear before the Committee on a specified date, time and place.

**Recall of  
witness.**

9. The Committee may recall any witness to give further evidence on any point under consideration of the Committee.

10. (a) A verbatim record of the proceedings of the meetings of the Committee at which the witnesses tender evidence or are orally examined shall be maintained by the Secretariat.

**Record of proceedings.**

(b) The Secretariat shall prepare and circulate the minutes of the meetings of the Committee with the approval of the Chairman to each Member of the Committee.

11. If, in the opinion of the Chairman, any documents presented to the Committee or any remarks or observations made by any one in the course of the proceedings of the Committee contain words, phrases or expressions which are unparliamentary, irrelevant or are not couched in respectful, decorous and temperate language, the Chairman may order such words, phrases or expressions to be expunged from the proceedings.

**Expunction of unparliamentary and irrelevant phrases from the proceedings.**

12. All evidence before the Committee shall be taken on oath in the form prescribed under Rule 197 (2) of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

**Evidence to be taken on oath.**

13. The Secretariat shall prepare draft report of the Committee containing its recommendations which, after approval by the Chairman, shall be placed before the Committee.

**Preparation of Draft Reports.**

14. The minutes of sittings and such evidence as the Committee may direct shall be appended to the report of the Committee.

**Minutes to be appended to the Report.**

15. (a) The report of the Committee shall be presented to the Assembly by the Chairman or in his absence by any member of the Committee.

**Presentation of Report.**

(b) When a reference under the Members of the Kerala Legislative Assembly (Disqualification on Ground of Defection) Rules, 1986 has been made to the Committee by the Speaker the Report of the Committee shall be presented to the Speaker.

**Circulation of Report.**

16. As soon as possible after the report is presented to the House, copies thereof shall be circulated to the Members of the House and others concerned.

**Change in Rule.**

17. The Committee may, with the approval of the Speaker, make such changes in these rules as it deems fit.

**Interpretation of Rules.**

18. In cases of doubt as to the interpretation of these rules, the matter shall be referred to the Speaker whose decision shall be final.

**Rules not to override Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.**

19. These rules shall not, in any manner, override any provisions contained in the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

## APPENDIX

**Extracts from "the Rules of Procedure and Conduct of Business  
in the Kerala Legislative Assembly."**

**QUESTIONS OF PRIVILEGE**

154. A member may, with the consent of the Speaker raise a question involving a breach of privilege either of a member, or of the Assembly or of a Committee thereof.

**Questions of  
Privilege**

155. A member wishing to raise a question of privilege shall give notice in writing to the Secretary before the commencement of the sitting on the day the question is proposed to be raised. If the question raised is based on a document, the notice shall be accompanied by the document.

**Notice of ques-  
tion of privilege**

156. The right to raise a question of privilege shall be governed by the following conditions, namely:—

**Conditions of  
admissibility of  
questions of  
privilege**

- (i) not more than one question shall be raised at the same sitting;
- (ii) the question shall be restricted to a specific matter of recent occurrence;
- (iii) the matter requires the intervention of the Assembly.

157. (1) The Speaker if he gives consent under Rule 154 and holds that the matter proposed to be discussed is in order, shall, after the questions and before the list of business is entered upon, call the member concerned, who shall rise in his place and, while asking for leave to raise the question of privilege, make a short statement relevant thereto.

**Mode of raising  
a question of  
privilege**

(2) Where the Speaker has refused his consent under Rule 154 or is of opinion that the matter proposed to be discussed is not in order, he may, if he thinks it necessary, read the notice of question of privilege and state that he refuses consent or holds that the notice of question of privilege is not in order:



Provided that the Speaker may, if he is satisfied about the urgency of the matter, allow a question of privilege to be raised at any time during the course of a sitting after the disposal of questions.

(3) If objection to leave being granted is taken, the Speaker shall request those members who are in favour of leave being granted to rise in their places, and if not less than fifteen members rise accordingly, the Speaker shall intimate that leave is granted. If less than fifteen members rise, the Speaker shall inform the member that he has not the leave of the Assembly.

**Consideration of question of privilege to which leave is granted**

158. If leave under Rule 157 is granted, the Assembly may consider the question and come to a decision or refer it to a Committee of Privileges on a motion made by the Leader of the House or any other member to whom he may delegate his function under this rule.

**Reference of question of privilege to Committee by Speaker**

159. Notwithstanding anything contained in these rules, the Speaker may refer any question of privilege to the Committee of Privileges for examination, investigation or report.

**Power of Speaker to give directions**

160. The Speaker may issue such directions as may be necessary for regulating the procedure in connection with all matters connected with the consideration of the question of privilege either in the Committee of Privileges or in the Assembly.

**Intimation to Speaker by Magistrate of arrest, detention etc., of a member**

161. When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, the committing judge, magistrate or executive authority, as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out in the Third Schedule.

**Intimation to Speaker on release of a member**

162. When a member is arrested and after conviction released on bail pending an appeal or otherwise released, such fact shall also be intimated to the

Speaker by the concerned authority in the appropriate form set out in the Third Schedule.

163. As soon as may be, the Speaker shall, after he has received a communication referred to in rule 161 or rule 162, read it out in the Assembly if in session, or if the Assembly is not in session direct that it may be published in the Assembly Bulletin for the information of the members.

**Treatment of communications received from Magistrate**

Provided that if the intimation of the release of a member either on bail or by discharge on appeal is received before the Assembly has been informed of the original arrest, the fact of his arrest, or his subsequent release or discharge may not be intimated to the Assembly by the Speaker.

164. No arrest shall be made within the precincts of the Assembly without obtaining the permission of the Speaker.

**Arrest within the precincts of the Assembly.**

165. A legal process, civil or criminal, shall not be served within the precincts of the Assembly without obtaining the permission of the Speaker.

**Service of legal process**

#### (IX) COMMITTEE OF PRIVILEGES.

249. At the commencement of the Assembly or from time to time, as the case may be, the Speaker shall nominate a Committee of Privileges consisting of not more than nine members.

**Constitution of Committee of Privileges**

250. (1) The Committee shall examine every question referred to it and determine with reference to the facts of each case whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and make such recommendations as it may deem fit.

**Examination of question by Committee**

(2) The report may also state the procedure to be followed by the Assembly in giving effect to the recommendations made by the Committee.

251. (1) After the report has been presented, the Chairman or any member of the Committee or

**Consideration of Report**

any other member may move that the report be taken into consideration whereupon the Speaker may put the question to the Assembly.

(2) Before putting the question to the Assembly the Speaker may permit a debate on the motion, not exceeding half an hour in duration, and such debate shall not refer to the details of the report further than is necessary to make out a case for the consideration of the report by the Assembly.

(3) After the motion made under sub-rule (1) is agreed to, the Chairman or any member of the Committee or any other member, as the case may be, may move that the House agrees, or disagrees or agrees with amendments, with the recommendations contained in the report.

**Priority for  
consideration**

252. A motion that the report of the Committee be taken into consideration shall be accorded the priority assigned to a matter of privilege under sub-rule (1) of rule 157, unless there has been undue delay in bringing it forward:

Provided that when a date has already been fixed for the consideration of the report, it shall be given priority as a matter of privilege on the day so appointed.